

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ROME DIVISION**

TOM PALMER, derivatively on behalf
of MOHAWK INDUSTRIES, INC.,

Plaintiff,

v.

JEFFREY S. LORBERBAUM,
FRANK H. BOYKIN, GLENN R.
LANDAU, WILLIAM
CHRISTOPHER WELLBORN, FILIP
BALCAEN, KAREN A. SMITH
BOGART, BRUCE C.
BRUCKMANN, RICHARD C. ILL,
JOSEPH A. ONORATO, WILLIAM
H. RUNGE III,

Defendants,

and

MOHAWK INDUSTRIES, INC.,

Nominal Defendant.

Civil Action No.: 4:20-CV-00110-ELR

[Caption continues on next page]

JOE THARAYIL, Derivatively on
Behalf of Mohawk Industries, Inc.,

Plaintiff,

v.

JEFFREY S. LORBERBAUM,
BRIAN CARSON, FRANK H.
BOYKIN, GLENN R. LANDAU,
KAREN A. SMITH BOGART, FILIP
BALCAEN, BRUCE C.
BRUCKMANN, JOSEPH A.
ONORATO, WILLIAM H. RUNGE
III, W. CHRISTOPHER WELLBORN,
and RICHARD C. ILL,

Defendants,

and

MOHAWK INDUSTRIES, INC., a
Delaware Corporation,

Nominal
Defendant.

Civil Action No. 4:20-CV-00185-ELR

**ORDER CONSOLIDATING RELATED ACTIONS
AND APPOINTING LEAD COUNSEL**

Upon consideration of the Unopposed Motion of Derivative Plaintiffs Joe Tharayil and Tom Palmer for Consolidation and Appointment of Lead Counsel (the “Unopposed Motion”) [Doc. 17], is it hereby **ORDERED** as follows:

1. The cases Tharayil v. Lorberbaum, et al., No. 4:20-CV-00185-ELR and Palmer v. Lorberbaum, et al., No. 4:20-CV-00110-ELR (the “Related Derivative Actions”) are hereby deemed related and consolidated for all purposes, including pre-trial proceedings and trial, into one consolidated action (the “Consolidated Derivative Action”).

2. Every pleading filed in the Consolidated Derivative Action, or in any separate action included herein, shall bear the following caption:

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ROME DIVISION**

IN RE MOHAWK INDUSTRIES, INC.) Lead Case No.: 4:20-CV-00110-ELR
DERIVATIVE LITIGATION)

_____) (Derivative Action)

This Document Relates To:)

ALL ACTIONS.)

_____)

3. The files of the Consolidated Derivative Action shall be maintained in one file under Lead Case No.: 4:20-CV-110-ELR.

4. The following attorneys are hereby appointed as Lead Counsel for Plaintiffs for the conduct of the Consolidated Derivative Action:

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5. Plaintiffs' Lead Counsel shall have sole authority to speak for plaintiffs in matters regarding pre-trial procedure, trial, and settlement negotiations, and shall make all work assignments in such manner as to facilitate the orderly and efficient prosecution of this litigation and to avoid duplicative or unproductive effort. No settlement of this or any related action may be finalized without Lead Counsel's direct participation and approval.

6. Plaintiffs' Lead Counsel will be responsible for coordinating all activities and appearances on behalf of plaintiffs and for the dissemination of notices and orders of this Court. No motion, request for discovery, or other pre-trial or trial proceedings shall be initiated or filed by any plaintiffs except through Plaintiffs' Lead Counsel.

7. Defendants' counsel shall be entitled to rely upon all agreements made with plaintiffs' Lead Counsel, or any other duly authorized representative of plaintiffs' Lead Counsel, and such agreements will be binding on plaintiffs.

8. This order shall apply to each case arising out of the same, or substantially the same, transactions or events as the Consolidated Derivative Action, which is subsequently filed in, removed to, or transferred to this Court.

9. When a case which properly belongs as part of In re Mohawk Industries, Inc. Derivative Litigation, Lead Case No. 4:20-CV-00110-ELR, is hereafter filed in this Court or transferred here from another court, counsel for the Parties in this action shall call to the attention of the Clerk of the Court the filing or transfer of any case that might properly be consolidated as part of the Consolidated Derivative Action, and counsel for the Parties in this action shall assist in assuring that counsel in subsequent actions receive notice of this Order.

10. Defendants have waived service of any papers or documents in the Related Derivative Actions. Defendants shall be under no obligation to respond to any of the complaints currently filed in the Related Derivative Actions, pursuant to the terms of the stay referenced in Paragraph 11.

11. The Consolidated Derivative Action shall remain stayed under the same terms as set forth Judge Cohen's order in Palmer v. Lorberbaum, et al., No. 4:20-CV-00110, entered on July 20, 2020.

SO ORDERED, this 20th day of October, 2020.



ELEANOR L. ROSS
UNITED STATES DISTRICT JUDGE
NORTHERN DISTRICT OF GEORGIA